UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW YORK		
	X	
	•	
TRUSTEES OF THE MASON TENDERS DISTRCIT	:	
COUNCIL WELFARE FUND, PENSION FUND,	•	
ANNUITY FUND AND TRAINING PROGRAM	:	22-CV-7765 (AS)
FUND, et al.,		22-C V-7703 (AS)
TOND, et al.,	•	MEMOD ANDLIM ODINION
	•	MEMORANDUM OPINION
Petitioners,	:	AND ORDER
	:	
-V-	:	
	:	
	•	
INNIS CONSTRUCTION, INC.,		
in this construction, inc.,		
	•	
Respondent.	:	
	:	
	X	

ARUN SUBRAMANIAN, United States District Judge:

On September 12, 2022, Petitioners filed a Petition to Confirm Arbitration. ECF No. 1.

On September 5, 2023, the Court set a briefing schedule for Petitioners' submission of any additional materials in support of the Petition, Respondent's opposition, and Petitioners' reply.

ECF No. 10. Petitioners served Respondent with the Petition, supporting materials, and the briefing schedule. ECF Nos. 14. Pursuant to the briefing schedule, Respondent's opposition was due no later than October 9, 2023. ECF No. 10. To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr.*Corp., 11-CV-1715 (JMF), 2013 WL 1703578, at \*2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After

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reviewing the petition and the supporting materials, the Court finds that there is no genuine issue

of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's

decision provides more than "a barely colorable justification for the outcome reached." *Id.* at \*3

(internal quotation marks omitted). Nor is there any justification under Section 10(a) of the

Federal Arbitration Act for vacating the Award.

Finally, the Court grants Petitioners' request for post-judgment interest in accordance

with 28 U.S.C. § 1961(a). Awards of post-judgment interest under § 1961 are mandatory, see

Cappiello v. ICD Publ'ns, Inc., 720 F.3d 109, 113 (2d Cir. 2013), and apply to actions to confirm

arbitration awards, see Westinghouse Credit Corp. v. D'Urso, 371 F.3d 96, 100-01 (2d Cir.

2004). The Court therefore awards interest to accrue at the statutory rate from the date judgment

is entered until payment is made.

Accordingly, IT IS ORDERED AND ADJUDGED that the Petition and Motion are

granted, the September 15, 2021 arbitration award is confirmed, and judgment is entered in favor

of Petitioners and against Respondent as follows:

1. Confirming the Award in all respects;

2. Awarding Petitioners \$134,029.36;

3. Awarding Petitioners post-judgment interest at the statutory rate.

SO ORDERED.

Dated: February 23, 2024

New York, New York

United States District Judge

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